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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/547,904 10/25/95 SEKIYA

T 2271/45006-A

EXAMINER

MM71/0526

IVAN S KAVRUKOV
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

NGUYEN, J	
ART UNIT	PAPER NUMBER

2853

DATE MAILED:

05/26/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
08/547,904

Applicant(s)
Sekiya et al.

Examiner
Judy Nguyen

Group Art Unit
2853



☒ Responsive to communication(s) filed on Mar 2, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1, 3-5, 9, and 12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3-5, 9, and 12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAIL ACTION

1. The request filed on 3/25/98 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/547,904 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 U.S.C. § 112

2. Claims 1, 3-5, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - ✓ a. Claim 1: it is not clear what the different between "a deformable porous material" and "a material infiltrated with said ink". It appears that they are one in the same.
 - ✓ b. Claim 9: it is not clear what the different between "a vent" recited in this claim and the one recited in claim 1, which this claim is depended therefrom. It appears that they are one in the same.

Since claims 3-5 are directly/indirectly depended on claim 1, they are also rejected under 35 U.S.C. 112, accordingly.

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Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 9, 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kashimura et al. (5,245,361) in view of Cowger et al. (4,931,811).

Kashimura et al. disclose all basic claimed features of the invention of a method for recording and an ink jet recorder comprising a recording head unit 10 (Fig. 17) containing energization part to form ink jet hence suggesting the commonly incorporation of ink passage and nozzles in the head, an ink inlet 312k including filter means 311d, an ink reservoir 312 holding a deformable porous material 312a infiltrated with ink, a carriage 20 having a base part carrying an interconnection pattern 20a for establishing electrical contact with an interconnection pattern 10a of the head unit and a positioning part 20b (Fig. 5A) for determining the position of the head with respect to the carriage, wherein the head carries a first connection means 311a and a first guide part 311b connecting with a second

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connection means of elastic seal 312m and a second guide part 312b respectively on the reservoir which suggests to one skilled in the art that the reservoir connected to the recording head is removable therefrom.

Kashimura et al. do not disclose the filter to be made of stainless steel, a vent on the reservoir closed by a removable seal member of a screw and of a rigid projection.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a filter of stainless steel material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Nevertheless, Cowger et al. disclose an ink jet recorder wherein a wire mesh filter 26 is utilized in order to prevent air from an ink reservoir being drawn down to a recording head; therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to incorporate the wire mesh filter of Cowger et al. into Kashimura et al. for the purpose of preventing air bubbles and hence dust particles from entering the recording head, as recognized by both teachings.

Cowger et al. also disclose a vent 30 closed by a removable seal member for supplying and replenishing air to the ink reservoir; moreover, to modify the seal member to be a screw

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or a rigid projection would have been obvious and only involve routine skill in the art to obtain an equivalent element of a removable seal member as taught by Cowger et al. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to incorporate the vent with the removable seal member of Cowger et al. in Kashimura et al. for the purpose of providing ambient air communication to the ink reservoir.

Response to Arguments

5. Applicant's arguments filed 3/2/98 have been fully considered but they are not persuasive.

Applicant argued that Kashimura et al intention is to connect the head and the reservoir permanently because once the head and tank are engaged, it is no longer possible to separate them from each other by pulling the head in the opposite direction. However, this is merely applicant's conclusion. Kashimura et al teach that in connecting the head 311 and the ink tank 312, the head is urged into the ink tank as shown by arrow A in Fig. 17, at this point, "the wall portion provided with the opening 312b of the ink tank 312 is expanded outwardly due to engagement of the projection 311b" (col. 18, lines 1-3); one of ordinary skill in the art would conclude that since the wall can expanded outwardly to due to engagement, it would certainly can expanded outwardly to allow disengagement. Furthermore, merely make the head and the reservoir detachable from each

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other without special functional significant is not patentable. *In re Dulberg*, 289 F.2d 522, 129 USPQ 348, 349 (CCPA 1961).

6. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication from the examiner should be directed to Examiner Judy Nguyen whose telephone number is (703) 305-7062. An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-1782.


Judy Nguyen


N. LE
PRIMARY EXAMINER
GROUP 2100